UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/304,406	05/04/1999	RALPH E. SIPPLE	33012/263/10	9618

27516 7590 07/31/2006	EXAMINER
UNISYS CORPORATION	LONSBERRY, HUNTER B

	ART UNIT	PAPER NUMBER
UNISYS CORPORATION
MS 4773
PO BOX 64942
ST. PAUL, MN 55164-0942	2623	

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 May 2006_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-25_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _1-25_ is/are objected to.

8)☐ · Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 5/2/06 have been fully considered but they are

not persuasive.

Applicant argues that because the examiner has not made a prima facie case of

obviousness, by showing evidence and argument showing motivation for the alleged

combination, reasonable likelihood of success of the alleged combination, and all

claimed elements within the alleged combination, Applicants need not and indeed

cannot offer appropriate evidence and argument in rebuttal. (Page 11).

From the previous office action:

Applicant has failed to substantiate Applicant's claim that there is no Expectation

of Success beyond a simple statement. Per MPEP 2143.02 and as the Examiner has

provided motivation and demonstrated obviousness to combine the references in the

previous office action and repeated below, and as the electrical arts are predictable arts,

and the Applicant has provided no evidence that suggests there is no reasonable

expectation of success, the Examiner has carried the initial burden of factually

supporting the prima facie conclusion of obviousness. In particular, Baker discloses the

use of a VOD system, which utilizes a telephone interface to make requests, but fails to

specifically show a middleware environment. Bennett discloses in Figure 2, a VOD

system with a gateway server 220 coupled to a media server 232 which runs a VOD

server 234, all of which are interconnected via a CORBA middleware environment 226

(column 5, lines 9-56). Corba provides an interoperability environment, which enables

applications on different machines to be seamlessly interconnected (column 5, lines 34-

40). Bennet is cited merely to teach the use of a middleware environment in a VOD type

service. Therefore, it would have been obvious to one skilled in the art at the time of

invention to modify Baker and Yurt to utilize the middleware environment of Bennett

thus enabling applications on different machines to be seamlessly interconnected.

Further, newly the cited patent to Anderson teaches the use of a PC as a video server.

Thus the Combination of Baker, Yurt, Bennet and Anderson is proper and teaches

each and every element of the claims.

Applicant argues that Baker, at column 6, lines 11-16 teaches away from the

combination by teaching the advantages of using a large mainframe computer (page

12-13). The same mainframe computer is used to access, Spool and stream the

requested program without any anticipated need for spreading out the load.

Regarding applicants argument, the plurality of video servers is taught not by

Baker but Yurt (column 4, lines 1-13, 64-column 5, line 9). Applicant's cited portions of

Baker are silent with regards to the use of multiple servers. Yurt provides an advantage

by utilizing a plurality of servers, see column 11, lines 50-53, by increasing the number

of users, which can access the databases.

Applicant argues that the Examiner fails to even mention his obligation to show

likelihood of success (Page 13).

Regarding Applicant's argument, the Examiner disagrees. In the previous office

action, in the section marked, Response to arguments, the following text appears.

Per MPEP 2143.02 and as the Examiner has provided motivation and

demonstrated obviousness to combine the references in the previous office action and

repeated below, and as the electrical arts are predictable arts, and the Applicant has

provided no evidence that suggests there is no reasonable expectation of success, the

Examiner has carried the initial burden of factually supporting the prima facie conclusion

of obviousness.

Further, the portions of Baker cited by the applicant are silent with regards to the

use of multiple servers. Yurt clearly teaches the advantages of utilizing multiple servers,

namely increasing the number of users, which can be supported, by spreading out the

load amongst a number of servers.

Applicant argues that in claim 1, the transaction server accomplishes spooling

and streaming is accomplished by the plurality of video servers. In baker these functions

are both handled by video server 12. The examiner contuse to read the transaction

server element on to the control server 54 of Baker, though both the transaction server

and control server 54 of Baker can handle subscriber requests, the control server 54 of

baker can not handle video data, Baker specifically states at column 10, lines 50-60 that

the control server does not handle any video (pages 13-14).

Regarding applicants argument, the examiner disagrees. At column 10, lines 50-

60, Baker teach utilizing a load balancing by control server 54 for the video servers.

While this cited section does not teach video handling by the control server, neither

does it specifically state, as alleged by applicant, that it does not handle video.

Further from the rejection:

A transaction server 54 (column 10, lines 37-64) responsively coupled to said

data base storage system 12, said temporary video storage memory 38, and said

plurality of subscriber receivers 22 whereby each of said plurality subscriber receivers

requests a different video on from said transaction server and said transaction server

spools said different video on data base storage to said temporary demand programs

from said video storage memory (column 7, lines 45-55, column 9, lines 1-4); and

A plurality of video servers 12 (figure 3) responsively coupled to said transaction

server 54, and temporary video storage memory 38, and said plurality of subscriber

receivers 22 via said program delivery network wherein said plurality of video servers

are assigned by said transaction server to stream said spooled different video on

demand programs from said temporary video storage memory to said plurality of

plurality of video servers subscriber receivers via said program delivery network (column 10, lines 37-64).

Applicant argues that the Examiner's addressing of direct coupling is erroronious via the following statement: "Yurt discloses a video on demand system in figure 1c in which a remote order processing and item database (is directly coupled to a number of video servers 200..." this statement is clearly erroneous because element 300 is disclose as remote (See column 4, lines 5-7). Communication from element 300 is preformed via transmission system 100, which is a dialup network. It is disingenuous for the Examiner to allege that the dialup network constitutes the claimed direct coupling (Pages 14-15).

Regarding Applicant's arguments, there seems to be some confusion by the applicant. Claim 1, section d requires direct coupling by the video servers to the transaction server and temporary video storage memory and responsively coupled to the plurality of subscriber receivers. As correctly noted by the applicant, a user of the transmission and receiving system of Yurt accesses transmission system 100 by calling a phone number or by typing commands into a computer. The examiner equates this to the responsively coupled functionality between a subscriber receiver and the transaction server required by the claim. This cited portion is with regards to users, there is no mention of a dialup network, at column 3, lines 54-58 being the network between the video servers and transaction server.

Looking at column 16, lines 4-15, Yurt discloses that the distribution channels may be common telephone service, ISDN, broadband ISDN, DBS, cable television systems, Microwave and MAN (metropolitan area networks). Further, the Examiner equates the direct coupling to be the connection of video servers 200 to the server 300 via transmission system 100 as there are no intermediate components disclosed between the two elements.

Applicant argues that claim 13 depends on claim 12 and further limits the identifying means, because the Examiner has found that control server 54, is the claimed identifying means in the rejection claim 11, that it is inappropriate to list video server 12 performing that function. Furthermore, in rejection claim 2, the examiner explicitly admits that the combination of Baker and Yurt does not disclose a transmission gateway. .." (Pages 17-18).

Regarding applicant's argument, the Examiner listed video server 12 performing the claimed functionality in the alternate. As correctly noted by the applicant control server 54 is relied upon to teach that function.

As for the second statement, the Applicant has once again selectively presented portions of the Examiners rejection to make misleading statements. Claim 2 contains different language than claim 13. Notably, claim 2 requires a "a transaction gateway software module operating in a middleware environment". Claim 13 is completely **SILENT** with regards to these features. Thus there was no admission by the part of the examiner of no teaching of a transaction gateway.

Applicant argues that the functionality the examiner attributes to video server 54 is clearly erroneous and unsupported to the citation, which ascribes the claimed functionality to video server 12 (pages 18-19).

Regarding applicant's argument, the Examiner disagrees entirely. As correctly noted by applicant, video server 54 should be labeled control sever 54. Further, column 10, lines 54-65, explicitly states that server 54, may receive viewer service requests from telephone answering equipment, coordinate access to the multiple video servers to the video library and accumulates billing information. This clearly teaches processing means for processing subscriber transactions.

Applicant argues that the Examiner has ignored the cited portions of the claims in claims 15, 17-20, attributing features to server 54 when they are taught by video server 12 (page 20).

Regarding applicant's argument, applicant's own specification, teaches that transaction servers and the video server may in fact be the same device (see abstract). Baker teaches that video server 12 may perform similar functions as the control server 54 when it comes to handling subscriber requests, thus the teachings are proper.

Applicant argues that the motivation to combine Bennet with Yurt and Bennet is a broad conclusitory statement, and that there is no motivation to combine because Baker teaches using a single mainframe computer to perform all video handling operations,

and that Baker teaches away from combination with Anderson because of the teachings

of high performance enterprise computer system (page 23).

Regarding applicants argument, Baker does not teach all video handling

operations being preformed by a single mainframe computer (see rejection). Further,

applicant has apparently ignored the advantages Bennet teaches. Namely that CORBA

provides an interoperability environment, which enables applications on different

machines to be seamlessly interconnected (column 5, lines 34-40). This seamless

interconnection is the motivation to combine Baker and Yurt with Bennet. Further, with

regards to the combination of Baker, Yurt and Bennet with Anderson, that the high

performance server Baker teaches away from the combination, Bennet discloses the

advantages of utilizing a high speed RAID array, which may be utilized by a low cost

server. Baker is silent with regards to the cost of the server, and Bennet teaches the

advantages of utilizing a RAID array, and thus the motivation to combine is proper.

RAID arrays are typically utilized in high performance servers because of the high

performance such a configuration offers.

Applicant argues that the combination does not meet all of the claim limitations in

that Bennet teaches a VOD service 234 but does not show a VOD server (page 24).

Regarding applicants argument, claim 2 is directed to software modules. As

correctly noted by applicant, Bennet teaches software modules. Thus the combination

teaches each and every element of the claims.

Applicant argues that the Examiner has ignored the cited portions of the claims in claims 3-5 and 7-9, attributing features to server 54 when they are taught by video server 12 (page 24-26).

Regarding applicant's argument, applicant's own specification, teaches that transaction servers and the video server may in fact be the same device (see abstract). Baker teaches that video server 12 may perform similar functions as the control server 54 when it comes to handling subscriber requests, thus the teachings are proper.

Applicant argues that the rejection of claim 25 contains a conclusionatory statement. Also the Examiner fails to show reasonable likelihood of success (page 27).

Applicant has failed to substantiate Applicant's claim that there is no Expectation of Success beyond a simple statement. Per MPEP 2143.02 and as the Examiner has provided motivation and demonstrated obviousness to combine the references in the previous office action and repeated below, and as the electrical arts are predictable arts, and the Applicant has provided no evidence that suggests there is no reasonable expectation of success, the Examiner has carried the initial burden of factually supporting the prima facie conclusion of obviousness.

In this case Wilcox teaches the distinct advantage of enabling a user to order a pizza without making a phone call. This provides an easy way to order pizza without requiring a user to walk to the phone. Therefore the combination is proper.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 6, 11-24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent 5,583,561 to Baker in view of U.S. Patent 5,132,992 to Yurt.

Regarding claim 1, Baker discloses in Figure 1-3 a video on demand system for

supplying video data to a plurality subscriber receivers 22 via a program delivery

network, the improvement comprising:

A data base storage system 10 (video server 12 coupled to disks 10, column 10,

lines 44-46) containing a plurality of video on demand programs;

A temporary video storage memory 38 (figure 2, column 8, line 61-column 9, line

3, 54-58);

A transaction server 54 (column 10, lines 37-64) responsively coupled to said

data base storage system 12, said temporary video storage memory 38, and said

plurality of subscriber receivers 22 whereby each of said plurality subscriber receivers

requests a different video on from said transaction server and said transaction server

spools said different video on data base storage to said temporary demand programs

from said video storage memory (column 7, lines 45-55, column 9, lines 1-4); and

A plurality of video servers 12 (figure 3) responsively coupled to said transaction server 54, and temporary video storage memory 38, and said plurality of subscriber receivers 22 via said program delivery network wherein said plurality of video servers are assigned by said transaction server to stream said spooled different video on demand programs from said temporary video storage memory to said plurality of plurality of video servers subscriber receivers via said program delivery network (column 10, lines 37-64).

Baker fails to disclose a plurality of video servers directly coupled to the transaction server and temporary memory directly coupled to the video server and the transaction server.

Yurt discloses a video on demand system in figure 1c in which a remote order processing and item data base (transaction server) 300 is directly coupled to a number of video servers 200, which in turn are coupled to a number of subscriber receivers (column 4, lines 1-13, 64-column 5, line 9), temporary memory 117/118 is directly coupled to both the video server 200 and to the transaction server 300 (figure 1c, 2a, column 6, lines 9-22, column 13, lines 29-47) thus spreading out the load generated by a number of users by utilizing a plurality of video servers.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Baker to utilize the direct connection to the transaction server as take by Yurt, for the advantage of spreading out the load generated by a number of users by utilizing a plurality of video servers.

Regarding claim 6, Baker discloses in Figures 1-3, an apparatus comprising:

A plurality of subscribing receivers 22, each capable of providing a plurality of service requests (column 6, lines 12-37, column 8, lines 19-24)

A data base storage system 10 (video server 12 coupled to disks 10, column 20, lines 44-46) containing a plurality of video on demand programs;

A temporary digital storage memory 38 (figure 2, column 8, line 61-column 9, line 3, 54-58);

A transaction server 54 (column 10, lines 37-64) responsively coupled to said data base storage system 12 and said plurality of subscriber receivers 22, capable of receiving said plurality of service requests, accessing said plurality of video programs corresponding to the service requests from said database storage system (column 7, lines 45-55, column 9, lines 1-4); spooling into memory 38 (column 8, line 61-column 9, line 3, 54-58); and

A plurality of video servers 12 (figure 3) responsively coupled to said transaction server 54 and said plurality of subscriber receivers 22 via said program delivery network wherein said plurality of video servers are assigned by said transaction server to stream said spooled different video on demand programs from said temporary video storage memory to said plurality of plurality of video servers subscriber receivers via said program delivery network (column 10, lines 37-64).

Baker fails to disclose a plurality of video serves directly coupled to the transaction server.

Yurt discloses a video on demand system in figure 1c in which a remote order

processing and item data base (transaction server) 300 is directly coupled to a number

of video servers 200, which in turn are coupled to a number of subscriber receivers

(column 4, lines 1-13, 64-column 5, line 9), temporary memory 117/118 is directly

coupled to both the video server 200 and to the transaction server 300 (figure 1c, 2a,

column 6, lines 9-22, column 13, liens 29-47 thus spreading out the load generated by a

number of users by utilizing a plurality of video servers.

Therefore, it would have been obvious to one skilled in the art at the time of

invention to modify Baker to utilize the direct connection to the transaction server as

take by Baker, for the advantage of spreading out the load generated by a number of

users by utilizing a plurality of video servers.

Regarding claim 11, Baker discloses a VOD system in figures 1-3 comprising:

Storing means 10 for storing a plurality of video programs (column 20, lines 44-

46);

Plurality of generating means 22 for generating a plurality of different requested

video on demand signals (column 6, lines 12-37, column 8, lines 19-24);

Identifying means 54 (column 10, lines 53-60) responsively coupled to said

generating means and said storing means 10 for identifying a number of said plurality of

video programs stored within said storing means corresponding to said plurality of

different requested video on demand signals;

Spooling means 38 responsively coupled to said identifying means and said

storing means for spooling said corresponding number of said plurality of video

programs which said identifying means identifies (column 8, line 61-column 9, line 3, 54-

58) and

A plurality of streaming means 18 (column 10, lines 40-44) responsively coupled

said spooling means and said receiving means for streaming said spooled number of

said plurality of video programs corresponding to said plurality of different requested

video on demand signals to said plurality of generating means 22 wherein said spooling

means assigns one or said plurality of streaming means to stream said spooled number

of said plurality of video programs to said plurality of generating means (column 10,

lines 44-64).

Baker fails to disclose a plurality of video serves directly coupled to the

transaction server.

Yurt discloses a video on demand system in figure 1c in which a remote order

processing and item data base (transaction server) 300 is directly coupled to a number

of video servers 200, which in turn are coupled to a number of subscriber receivers

(column 4, lines 1-13, 64-column 5, line 9), temporary memory 117/118 is directly

coupled to both the video server 200 and to the transaction server 300 (figure 1c, 2a,

column 6, lines 9-22, column 13, liens 29-47 thus spreading out the load generated by a

number of users by utilizing a plurality of video servers.

Therefore, it would have been obvious to one skilled in the art at the time of

invention to modify Baker to utilize the direct connection to the transaction server as

take by Baker, for the advantage of spreading out the load generated by a number of

users by utilizing a plurality of video servers.

Regarding claim 12, Baker discloses that a subscriber receives the VOD program

on a receiver (decoder 22, column 8, lines 18-41).

Regarding claim 13, Baker discloses that video server 12 or Control server 54

acts as a transaction gateway (column 7, lines 28-55, Figure 4, column 10, line 56-

column 11, line 22).

Regarding claim 14, Baker discloses that video server 54 processes subscriber

transactions (column 10, lines 54-64).

Regarding claim 15, Baker teaches that the server may be a Unisys mainframe

server (Column 8, lines 43-48).

Regarding claim 16, Baker discloses a method of providing video on demand

services (figure 8) comprising:

Storing a plurality of video programs in a video storage facility 10 (column 6, lines

37-49);

Receiving a video on demand request from a subscriber 22 at a transaction

server 54 (column 10, lines 54-64);

Determining a one of said plurality of video programs corresponding to said video

on demand request (column 10, lines 54-64);

Spooling said one of said plurality of video programs corresponding to said video

on demand request from said video storage facility 10 into a temporary storage facility

38 (column 8, line 61-column 9, line 3, 54-58) by said transaction server (column 10,

lines 29-36, 64-column 11,line 21, control server 54, controls access to the video

servers and instructs the video servers 12 when to load a program into memory);

Assigning one of a plurality of video servers 12 responsively coupled to

subscriber to stream said one of said plurality of video programs corresponding to said

video on demand request to said subscriber (column 10, lines 54-64); and

Streaming said spooled video program from said temporary video server to said

storage facility by said assigned subscriber (column 10, lines 54-64).

Baker fails to disclose the transaction server determining which program

corresponds to a VOD request.

Yurt discloses that a user may request a program via a remote order processing

and item database 300 (transaction server) which processes the content and sends the

content to the user (column 11, line 54-column 13, line 48) if the user cannot remember

the title of the program, the transaction server is able to determine a number of

matching programming by allowing the user to name unique facts about the item

(column 12, lines 8-28), thus enabling a user to easily find a program of interest.

Therefore, it would have been obvious to one skilled in the art at the time of invention o modify Baker to utilize the determination features of the transaction server of Yurt, for the advantage of providing an easy way for a user to find programming of interest.

Regarding claim 17, Baker discloses that the VOD stream may be paused in response to a viewer command (column 12, lines 7-17).

Regarding claim 18, Baker discloses that the VOD stream may be rewound in response to a viewer command (column 12, lines 7-17).

Regarding claim 19, Baker discloses in Figure 8, that a user make issue a forward request 132 (column 16, lines 5-9).

Regarding claim 20, Baker discloses that video server 12 performs subscriber accounting and bills a subscriber for a VOD program request (column 7, lines 33-51).

Regarding claim 21, Baker discloses an apparatus for delivering video on demand programs to a plurality of requesters 22 comprising:

a software controlled transaction server 54 responsively coupled to said plurality of requesters 22 which manages an interface between said apparatus and said plurality of requesters (column 10, lines 54-64);

a storage facility 10, which contains a plurality of video programs (column 6, lines 37-49);

a temporary memory 38 (column 8, line 61-column 9, line 3, 54-58) wherein said software controlled transaction server 54 spools a requested one of said plurality of video programs requested by one of said plurality of requesters (column 10, lines 54-64);

a plurality of video servers 12 (column 10, lines 38-44) from which said software controlled transaction server 54 assigns a particular one of said plurality of video servers 12 wherein said particular one of said plurality of video servers streams said requested one of said plurality of video programs from said temporary memory to said one of said plurality of requesters (column 10, lines 54-64).

Baker fails to disclose a plurality of video serves directly coupled to the transaction server.

Yurt discloses a video on demand system in figure 1c in which a remote order processing and item data base (transaction server) 300 is directly coupled to a number of video servers 200, which in turn are coupled to a number of subscriber receivers (column 4, lines 1-13, 64-column 5, line 9), temporary memory 117/118 is directly coupled to both the video server 200 and to the transaction server 300 (figure 1c, 2a, column 6, lines 9-22, column 13, liens 29-47 thus spreading out the load generated by a number of users by utilizing a plurality of video servers.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Baker to utilize the direct connection to the transaction server as

take by Baker, for the advantage of spreading out the load generated by a number of

users by utilizing a plurality of video servers.

Regarding claim 22, Baker discloses a plurality of video program sources 10

responsively coupled to said software controlled transaction server which stores said

plurality of video programs from said plurality of program sources in said storage facility

(figures 1-3).

Regarding claim 23, Baker shows in figure 1, a network 20, from which video

server 12 streams video from storage 10 to decoder 22.

Regarding claim 24, Baker shows that requests originate from subscriber STB 22

(column 10, lines 56-64).

3.   Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent 5,583,561 to Baker in view of U.S. Patent 5,132,992 to Yurt in further view of

U.S. Patent 5,826,085 to Bennett and U.S. Patent 5,519,435 to Anderson.

Regarding claim 2, Baker discloses a VOD system.

The combination of Baker and Yurt does not disclose a transaction gateway in a

middleware environment and a video server frame, stream spooling program coupled to

the transaction gateway in a middleware environment, and the use of a PC as a video server.

Bennett discloses in Figure 2, a VOD system with a gateway server 220 coupled to a media server 232 which runs a VOD server 234, all of which are interconnected via a CORBA middleware environment 226 (column 5, lines 9-56). Corba provides an interoperability environment, which enables applications on different machines to be seamlessly interconnected (column 5, lines 34-40).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Baker and Yurt to utilize the middleware environment of Bennett thus enabling applications on different machines to be seamlessly interconnected.

The combination of Baker, Yurt and Bennet fails to disclose the use of a PC as a video server.

Anderson discloses a VOD system that utilizes a PC 22 connected to a RAID array 12, which uses data stripping (column 4, lines 4-58), thus providing a low cost server, which provides high-speed performance via a RAID array.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Baker, Yurt and Bennet to utilize the PC of Anderson as a video server, for the advantage of providing a low cost server, which provides high-speed performance via a RAID array.

Regarding claim 3, Baker discloses that video server 12 may be a mainframe system (column 8, lines 43-51) and discloses in Figure 3 that the mainframe (video server 12) may be coupled to a transaction server 54 (control server 54, column 10, lines 38-63), additionally the mainframe can act as a transaction server in of itself (column 7, lines 28-55). Additionally Baker discloses that video server 12, which may be a Unisys 2200 series computer, and control server 54 utilize common application software (column 10, lines 28-63), and only discloses utilizing open API's within the applications software to interface with the video library (column 11, lines 1-21), control server 54 must be a Unisys mainframe.

Further, Yurt discloses a transaction server 300 coupled to a number of video servers and subscriber receivers.

Regarding claim 4, Baker discloses that video server 12 may be a Unisys mainframe system (column 8, lines 43-51).

Regarding claim 5, Baker discloses that the transaction server may spool the video (column 8, line 61-column 9, line 3) and that the format can be MPEG 2 (column 7, lines 9-16).

4.   Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,561 to Baker in view of U.S. Patent 5,132,992 to Yurt in further view of U.S. Patent 5,826,085 to Bennett.

Regarding claim 7, Baker discloses that video server 12 performs subscriber

accounting and bills a subscriber for a VOD program request (column 7, lines 33-51).

Regarding claim 8, Baker discloses a VOD system.

The combination of Baker and Yurt does not disclose a transaction gateway in a

middleware environment and a video server frame and stream spooling program

coupled to the transaction gateway in a middleware environment.

Bennett discloses in Figure 2, a VOD system with a gateway server 220 coupled

to a media server 232 which runs a VOD server 234, all of which are interconnected via

a CORBA middleware environment 226 (column 5, lines 9-56). Corba provides an

interoperability environment, which enables applications on different machines to be

seamlessly interconnected (column 5, lines 34-40).

Therefore, it would have been obvious to one skilled in the art at the time of

invention to modify the combination of Baker and Yurt to utilize the middleware

environment of Bennett thus enabling applications on different machines to be

seamlessly interconnected.

Regarding claim 9, Baker discloses that the transaction server may spool the

video (column 7, line 45-55) and that the format can be MPEG 2 (column 7, lines 9-16).

Regarding claim 10, Baker teaches that the server may be a Unisys mainframe server (Column 8, lines 43-48).

5.   Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,561 to Baker in view of U.S. Patent 5,132,992 to Yurt in further view of U.S. Patent 6,678,891 to Wilcox.

Regarding claim 25, Baker discloses a VOD ordering system.

The combination of Baker and Yurt fails to disclose enabling a requester to request delivery of a pizza.

Wilcox discloses in figures 30-47 a pizza delivery application, which enables a user to order a pizza, thus enabling a user to order a pizza without making a telephone call.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Baker and Yurt to include the pizza-ordering interface of Wilcox, thus enabling a user to order a pizza without making a telephone call.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-

272-7298. The examiner can normally be reached on Monday-Friday during normal

business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Miller can be reached on 571-272-7353. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HBL

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600